

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF ADMINISTRATION

In the Matter of the Appeal of the  
Determination of the Responsible  
Authority for the City of La Crescent  
that Certain Data Concerning Keith  
Garrett are Accurate and/or Complete

**ORDER**

On or about April 12, 1996, the City of La Crescent served a demand for a Bill of Particulars upon the Appellant, Keith W. Garrett. By a letter dated April 22, 1996, Mr. Garrett requested a determination as to whether the Bill of Particulars was required and as to what it should contain. The City replied in a letter dated April 23, 1996.

Keith W. Garrett, 514 Mc Intosh Road, La Crescent, Minnesota 55947, represents himself in this matter. William Von Arx, City Attorney for the City of La Crescent, 274 South Kingston Street, P.O. Box 229, Caledonia, Minnesota 55921, represents the City.

Based upon the letters submitted by the parties and all of the filings in this case and for the reasons set out in the Memorandum which follows,

IT IS HEREBY ORDERED:

That on or before May 3, 1996, the Appellant, Keith W. Garrett, shall specify the data that he believes to be inaccurate or incomplete and indicate what changes or additions would be necessary in order to resolve this matter.

Dated this 26th day of April 1996.

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GEORGE A. BECK  
Administrative Law Judge

## **MEMORANDUM**

The City of La Crescent has served a demand for a Bill of Particulars upon Mr. Garrett asking that he be required to set forth specifically each and every respect in which data is claimed to be inaccurate or incomplete and provide specific references to minutes as appropriate. Mr. Garrett has asked the Administrative Law Judge to determine whether a Bill of Particulars is required and, if so, what form it should take. Mr. Von Arx points out that the City believes that specificity as to what is claimed to be inaccurate or incomplete would help to achieve a resolution of this matter prior to the hearing.

Under Minn. Rule 1400.6700, subp. 2, any means of discovery available pursuant to the Rules of Civil Procedure for the District Court of Minnesota is allowed. If the party from whom discovery is sought objects, the matter may be determined by an Order Compelling Discovery. The City must show that discovery is necessary, is not for the purposes of delay, and that the issues are significant enough to warrant the discovery. Under District Court practice, a Bill of Particulars or a motion for a more definite statement is an available means of obtaining from an opposing party a more specific statement of what is in issue. It is often employed in administrative cases because the written pleadings are usually not required to be specific. This form of discovery is necessary in order to clarify what is in controversy. The issues are significant enough to justify this limited discovery. It is an appropriate device in this case since it will assist the parties and the Administrative Law Judge in understanding exactly what is in dispute. This may help the parties to either settle the matter entirely or in part.

The appropriate means for Mr. Garrett to comply with this Order is to provide Mr. Von Arx a copy of any document which he believes is in some respect inaccurate or incomplete and clearly indicate on that document what additions or deletions would be necessary in order to resolve that matter. A copy of the discovery must also be filed with the Administrative Law Judge.

G.A.B.